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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P 02 136 WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DK 03/00665	International filing date (day/month/year) 07.10.2003	Priority date (day/month/year) 07.10.2002
International Patent Classification (IPC) or both national classification and IPC G07F11/10		
Applicant DANDY AS et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 03.05.2004	Date of completion of this report 29.11.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Kemény, M Telephone No. +49 89 2399-7941 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/DK 03/00665**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as published

Claims, Numbers

1-13 filed with telefax on 09.11.2004

Drawings, Sheets

1/4-4/4 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
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International application No. **PCT/DK 03/00665**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	1-13
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/DK 03/00665

Re Item I

Basis of the report

1 Prior Art

Reference is made to the following documents:

D1: US-A-5 522 310 (BLACK SR GARY W ET AL) 4 June 1996 (1996-06-04)

D2: NL-A-8 902 246 (FRI JADO BV) 2 April 1991 (1991-04-02)

D3: WO 01/16904 A (SIBLEY PHILLIP JOHN ;DUNFORD BRUCE (GB); FOOD
SERV TECH LTD (GB)) 8 March 2001 (2001-03-08)

2 Amendments

The amendments filed do not add further subject-matter to the claims which has not been disclosed as originally filed.

Re Item II

Priority

The priority is valid.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability

3 Novelty

Document US-A-5522310 (D1) is considered to be the closest prior art. It discloses a completely automatic, fully self-contained vending machine of standard size which may be operated so that a packaged food product can be withdrawn from a freezer for storing the food product, and delivered to a microwave oven for heating to an appropriate temperature, for delivery to the consumer within a relative short, commercially-desirable time period on the order of one minute or less, like the invention.

The subject-matter of claim 1 differs from D1 in that:

- 1) the dispenser has at least two article magazines;
- 2) the dispenser has at least one magazine discharge arrangement comprising at least one confectionery article fitting compartment; and
- 3) at least one output compartment has been adapted for performing a rotating movement upon activation of an activation arrangement thereby transferring at least one confectionery article comprised in at least one output compartment to a dispenser outlet.

Therefore, the claim is new within the meaning of Article 33(2) PCT.

4 Inventive Step

These differences have the technical effect that the dispenser is a robust structure resisting forced access of a scrupulous person by having a two-step discharge process.

Because of this difference, the following technical problem to be solved by the person skilled in the art may be formulated: "Having a system as disclosed in D1, how to make the system more resistant to forced access by any scrupulous person".

To solve this problem, claim 1 proposes the features 2) and 3). These features are not disclosed in D1, or any other document cited in the International Search Report. The claim therefore comprises an inventive step within the meaning of Article 33(3) PCT.

Therefore, independent claim 1, as all claims depending thereon, fulfil the requirements of Article 33(1) PCT.

Re Item VII

Certain defects in the international application

Prior Art documents D1-D3 should have been mentioned in the description.

Amended claims

1. Confectionery dispenser (100) comprising at least two confectionery article (11) magazines (12),

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each said at least two confectionery article magazines (12) comprising a magazine outlet being coupled with at least one confectionery article dispenser outlet (13), preferably one, by means of at least one magazine discharge arrangement

10 said magazine discharge arrangement comprising at least one confectionery article fitting compartment (19, 20, 21) adapted for performing a movement relative to said magazine outlets upon activation of an activation arrangement (101) and thereby transferring at least one confectionery article (11) comprised in at least one confectionery article magazine (12) to at least one output compartment (A, B, C) and

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said at least one output compartment (A, B, C) being adapted for performing a rotating movement upon activation of said activation arrangement (101) and thereby transferring at least one confectionery article (11) comprised in at least one of said output compartments (A, B, C) to said dispenser outlet (13).

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2. Confectionery dispenser (100) according to claim 1, wherein said confectionery article magazines (12) being exchangeable.

3. Confectionery dispenser (100) according to claim 1 or 2, wherein

25 said output compartment (A, B, C) being mechanically coupled with said at least one outlet (102) and thereby facilitating a transfer of at least one confectionery article (11) upon activation of said activation arrangement (101).

4. Confectionery dispenser (100) according to any of the claims 1-3, wherein

30 activation arrangement (101) is manually driven.

5. Confectionery dispenser (100) according to any of the claims 1-3, wherein activation arrangement (101) is automatically driven.

6. Confectionery dispenser (100) according to any of the claims 1-5, wherein
5 said article comprising chewing gum packages (11).

7. Confectionery dispenser (100) according to any of the claims 1-6, wherein
said magazine discharge arrangement comprising at least one confectionery article
fitting compartment (19, 20, 21) being rotatable upon activation by said activation
10 arrangement.

8. Confectionery dispenser (100) according to any of the claims 1-7, wherein
said magazines (12) being fitted to the dispenser (100) in a substantially vertical
direction thereby obtaining a gravity facilitated emptying of the magazines into the
15 lower compartments (19, 20, 21) when activating the magazine discharge
arrangement.

9. Confectionery dispenser (100) according to any of the claims 1-8, wherein
said magazines being fitted in a substantially circular profile, when seen from above.
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10. Confectionery dispenser (100) according to any of the claims 1-9, wherein the
magazines (12) define the orientation of the magazine contained article (11).

11. Confectionery dispenser (100) according to any of the claims 1-10, wherein the
25 magazines (12) are substantially translucent, thereby facilitating that a user of the
dispenser may visually see at least some of the magazine contained articles (11),
preferably most of the articles.

12. Confectionery dispenser (100) according to any of the claims 1-11, wherein the
30 magazines (12) are arranged within a substantially translucent housing (206).

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13. Confectionery dispenser (100) according to any of the claims 1-12,
wherein said confectionery articles being fed to said discharge arrangement by means
of at least two confectionery article (11) holding magazines (12).

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AMENDED SHEET

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